



FOREIGN AFFAIRS MANUAL

VOLUME 3 – Personnel

Transmittal Letter: PER-338

Date: August 19, 1997

3 FAM 4300

DISCIPLINARY ACTION (INCLUDING SEPARATION FOR CAUSE)

MAJOR CHANGES

1. This chapter replaces the 3 FAM 4300 Chapter , Appendix A — Old 3 FAM 760, Disciplinary Action (Including Separation for Cause).

2. This chapter is a uniform regulation applying to Foreign Service employees of State, USAID, USIA, Commerce, and the Foreign Service Corps of USDA.

3. This chapter constitutes a negotiated agreement with AFSA and is effective on August 15, 1997.

4. Major changes include:

—Final Authority to Separate for Cause— The Secretary of State has the final authority to take action to separate a Foreign Service employee for cause, but that authority is subject to the Grievance Board's final authority to sustain or overturn upon appeal.

— Section 3 FAM 4377, List of Offenses Subject to Disciplinary Action contain a table of penalties.

— Suspension Without Pay – Where a member has been convicted of a crime for which a sentence of imprisonment may be imposed and there is a nexus to the efficiency of the service, the Secretary, or her designee, may suspend such member without pay pending final resolution of the matter, subject to reinstatement with backpay, if cause for separation is not established in a hearing before the Board.

— Security Clearances – An employee's breach of security regulations or the loss of a security clearance are grounds for disciplinary action.

— Curtailment Not Grievable – Curtailments are part of the reserved

management right to assign, and, as such, assignment/curtailment actions are not subject to the grievance process with the single exception that a grievance may challenge the curtailment by specifying a law, regulation or published policy which is allegedly violated by the specifying a law, regulation or published policy which is allegedly violated by the curtailment. The grievance must include a statement of the nature of the violation.

5. Officers are reminded that Department-issued materials not codified in the ***Foreign Affairs Manual*** or its supplemental ***Foreign Affairs Handbook*** series generally have no regulatory validity (see 2 FAM section 1115.2).

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1. Remove the former 3 FAM 4300, Appendix A (TL:PER-282, 8-18-95, 10 pages) and replace with the new 3 FAM 4300 (43 pages).

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(PER/ER)